

**REMARKS**

In accordance with the foregoing, claims 3-4, 11 and 13 have been cancelled and claims 1, 5, 7-9, 12, and 14-16 have been amended. Claims 1-2, 5-10, 12, and 14-20 are pending and under consideration.

The rejection based on Yoshioka is respectfully traversed. Independent claim 1 (used as an example) recites the tracking actuator deviates from the dynamic range when the signal controlling the feed motor is greater than the predetermined reference value for a predetermined time and returning the objective lens connected to the tracking actuator to a neutral point directly in response to the determining that the tracking actuator deviates from the dynamic range. In contrast, Yoshioka does not teach the claimed direct response. Instead, this reference teaches checking with a first comparator whether the focus error signal level is greater than a reference level, and outputting a defocus representing signal. Next, a second comparator checks whether a light intensity is below a second reference level within a period of time after the outputting of the defocus representing signal and then the evacuator evacuates the objective lens if the light intensity is below the second reference level within the period of time. Thus, a second comparing, based on the light intensity, is directly before the evacuation.

Accordingly, withdrawal of the rejection is requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

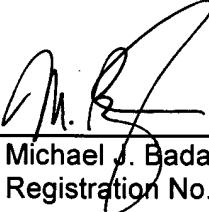
Serial No. 10/670,191

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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**AMENDMENTS TO THE DRAWINGS:**

The attached drawing includes changes to FIG. 4. The sheet containing FIG. 4 replaces the original sheet including FIG. 4.